

**FORTY-FIFTH DAY**  
(Continued)

(Thursday, April 14, 1949)

**After Recess**

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

**Reports of Standing Committees**

By unanimous consent, the following committee reports were submitted at this time:

Senator Weinert submitted the following reports:

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred H. B. No. 239, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred H. B. No. 245, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Institutions and Departments, to whom was referred H. B. No. 370, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred Senate Bill 334, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred House Bill 593, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred House Bill 699, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 585, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 675, A bill to be entitled "An Act providing for the annexation of common and/or independent school districts to certain Junior College Districts for Junior College purposes only; providing for the creation of Boards of Trustees for such Districts and annexed common and independent school districts, and determining the manner of representation on said Board from the several common or independent school districts, the territory of which has been or may be annexed to such Junior College Districts for Junior College purposes only; providing the mode, manner and time of electing members of said Boards for their terms of office, and enacting other provisions relating to the subject matter; repealing laws in conflict therewith to the extent of such conflict; preserving to such Junior College Districts the powers and privileges of Junior College Districts generally; providing a savings clause; and declaring an emergency."

H. B. No. 679, A bill to be entitled "An Act amending Chapter 304, Acts of the Regular Session of the 50th Legislature pertaining to the construction, acquisition, improvement, operations and maintenance of causeways, bridges, and tunnels by certain counties bordering on the Gulf of Mexico, and declaring an emergency."

H. B. No. 680, A bill to be entitled "An Act to amend Section 1 of Subdivision 76, Art. 199, Title 8, R. C. S. of Texas, 1925, fixing the terms of court in the 76th Judicial District of Texas in the Counties of Titus, Franklin, Camp, Morris and Marion; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 116

Senator Kelly of Tarrant offered the following resolution:

Whereas, There are in the Senate today 31 members of the graduating class of Azle High School; and

Whereas, There are accompanying these Azle High School Seniors, their Sponsors, Mr. and Mrs. Roy Wood of Azle and the Principal of the Azle High School, Mr. A. L. McGregor, and

Whereas, The presence of these young people is an evidence of their interest in better citizenship and state affairs, and

Whereas, They are about to achieve one of the first goals of an enlightened people—the completion of a high school education, and

Whereas, The members of the Senate are earnestly interested in having the young members of their communities visit the Senate and observe the procedure here, be it

Resolved, That the Senate extend a hearty welcome to these Azle High School Seniors and their Sponsors, Mr. and Mrs. Roy Wood and Mr. A. L. McGregor, their Principal, and be it further

Resolved That copies of our official welcome be given to each one present.

The resolution was read and was adopted.

#### Senate Resolution 117

Senator Cousins offered the following resolution:

Whereas, The Senior Class of Thomas Jefferson High School of Port Arthur, Texas: Mary Ann Reep, Jimmy Robinson, Delores Thibodeaux, Mark Youngblood, Shirley Slater, Patsy Smith, Mary Alice Truitt, Jean May, Mickey Durke, Eugene Gaspard, Dolly Breau, Violet Ruth James, Virginia Morrisson, Dickie Parrish, Janet LeBlanc, Carroll Carrier, Yvonne Bounds, Johnny Dore, Oren Stutes, Tommy LeMore, Dot Gentil, Mary H. Bernhardt, Lee Tatum, Betty Bacon, Alice Sandoval, Clara Faye Smith, Jerry East, Yvonne Aaron, Joan Thomas, Ola Lee Currie, Roy Thompson, Glenn Gibbs, Tommy Hansard, Charmain Burns, and Cynthia Bounds, together with their teachers, Miss Louise Erwin and Miss Mary Eunice Vickers, and their sponsor, Mr. T. S. Stansell, are visitors in the Senate today; and

Whereas, The above Senior Class has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting, they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers and their sponsor by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the

State of Texas, that we recognize these students, their teachers, Miss Louise Erwin and Miss Mary Eunice Vickers, and their sponsor, Mr. T. S. Stansell, as an expression of our appreciation for this visit; that a copy of this Resolution, under seal of the Senate, be forwarded to each member of the Senior Class of Thomas Jefferson Senior High School and to Miss Louise Erwin, Miss Mary Eunice Vickers, and Mr. T. S. Stansell, as evidence of this recognition.

The resolution was read and was adopted.

#### Motion to Place House Bill 103 on Second Reading

Senator Tynan moved to suspend the regular order of business to take up House Bill No. 103 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two third vote of the members present):

#### Yeas—17

Aikin	Lock
Ashley	Martin
Carney	Moffett
Colson	Moore
Corbin	Shofner
Cousins	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Nays—8

Bell	Jones
Bullock	Phillips
Hardeman	Proffer
Harris	Vick

#### Absent

Lane	Morris
McDonald	Taylor

#### Paired

Senator Bracewell (present), who would vote yea with Senator Hudson (absent), who would vote nay.

#### House Bill 509 Re-referred

On motion of Senator Phillips and by unanimous consent, H. B. No. 509 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Counties and County Boundaries.

#### Reason for Vote on House Amendments to Senate Bill 19

I voted against the motion to concur in House amendments to S. B. No. 19 because it still violates the provisions of Sections 44, 49 and 50 of Article III of the Constitution.

HARRIS  
ASHLEY

#### Senate Bill 450 on First Reading

Senator Kelly of Tarrant moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

#### Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Hazlewood	Morris
Hudson	Taylor

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelly of Tarrant:

S. B. No. 450, A bill to be entitled "An Act providing that corporations may be created to, or after being created may amend their charters so as to engage in the business of operating terminals for aircraft; providing for additional powers; and declaring an emergency."

To Committee on Civil Jurisprudence.

#### Hour for Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate agreed to hold an Executive Session at 11:00 o'clock a.m. today.

#### Senate Resolution 118

Senator Harris offered the following resolution:

Whereas, The Senate is honored today by the presence of Miss Adele Ashley, the daughter of our distinguished colleague, Senator Carlos Ashley of Llano, and

Whereas, It is the desire of the Senate to recognize her presence, be it

Resolved, That the Senate extend to her its most cordial welcome and that she be presented to the Senate.

The resolution was adopted.

Accordingly, Miss Ashley was escorted to the President's stand by Senators Ashley and Harris.

The President presented Senator Ashley who then presented his daughter, Miss Adele Ashley, to the Senate.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Lane submitted the following reports:

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 576 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 353, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 448, have had the same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 148, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 457, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 157, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute as amended do pass in lieu thereof and be printed.

LANE, Chairman.

C. S. S. B. No. 157 was read first time.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 40, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 158, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Carney submitted the following report:

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 843, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 842, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 542, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
April 13, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom

was referred H. B. No. 799 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,  
April 14, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 509 have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

### Senate Resolution 119

Senator Bell offered the following resolution:

Whereas, Certain students of the Three Oaks School, Wilson County, Texas, and the sponsors thereof, are in the City of Austin today and are visitors in the Capitol, and

Whereas, the Senate is always glad to have the citizens of this State visit the Senate Chamber, especially those attending the schools of this State, now, therefore, be it

Resolved, By the Senate, that it extend its cordial greetings to the students and their sponsors and that the class and its sponsors be welcomed to the Capitol, and, be it further

Resolved, that six copies of this resolution be sent to the school.

The resolution was read and was adopted.

### Executive Session

At 11:00 o'clock a.m., the President announced the arrival of the hour previously agreed upon for an executive session.

Accordingly the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Branch Pilots for Galveston Bar and Houston Ship Channel for two year terms:

Charles S. Borup of Harris County (to expire July 20, 1949), J. F. Cook of Harris County (to expire September 11, 1949), Edward B. Mercer of Harris County (to expire September 15, 1949), Holt P. Daniels of Harris County (to expire September 20, 1949), Mason Wiggins of Harris County (to expire September 22, 1949), Coney Townsend McMains of Harris County (to expire November 5, 1949), Charles H. Fuller of Harris County (to expire November 5, 1949), Nick J. Morina of Harris County (to expire January 1, 1950), John Rose Rowland of Harris County (to expire January 11, 1950), Michael F. Russell of Harris County (to expire March 18, 1950), Leo Skinner of Harris County (to expire September 17, 1950), Charles O'Brien of Harris County (to expire September 17, 1950), Captain I. E. Wicker of Harris County (to expire December 17, 1950).

To be Branch Pilots for the Galveston Bar and the Houston Ship Channel for two year terms:

Charles W. Barfield of Harris County (to expire January 1, 1951), J. E. McNary of Harris County (to expire January 21, 1951), M. E. Palmer of Harris County (to expire February 11, 1951), K. B. Plash of Harris County (to expire February 11, 1951).

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 11:40 o'clock a.m.

#### House Bill 130 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to third reading:

H. B. No. 130, A bill to be entitled "An Act to amend Section 4 of Chapter 1, Title: Attorneys, House Bill 74, page 64, Acts Regular Session, Forty-sixth Legislature, (1939) known as the State Bar Act, so as to empower the Supreme Court to prescribe fees not exceeding Ten (\$10.00) Dollars per annum per person for members of the State Bar to be paid to the Clerk of the Supreme Court and to be expended by the Court or under its direction for the purpose of the

administration of the State Bar Act; providing that all laws or parts of laws in conflict with this Act are hereby repealed; further providing that this Act shall not effect a repeal of or in anywise impair any existing rules governing the State Bar adopted by the members of the State Bar and promulgated by the Supreme Court prior to the effective date of this Act; and declaring an emergency."

The bill was read second time.

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend House Bill 130 by deleting therefrom the following words and figures: "Five (\$5.00) Dollars", everywhere it appears in the body of the bill and inserting in lieu thereof the following words and figures: "Ten (\$10.00) Dollars."

Question—Shall the amendment be adopted:

#### Communication from Chairman of the Daughters of the Republic of Texas

The President laid before the Senate and directed the Secretary to read the following communication:

Mrs. G. B. Gouger, Chairman, Menger Hotel, San Antonio, Texas.

Mrs. H. R. Wofford, Secretary, 234 W. Mistletoe, San Antonio, Texas.

Daughters of the Republic of Texas  
April 12, 1949

Hon. Allan Shivers, Lieutenant Governor, The State of Texas.  
Austin, Texas.

Dear Sir:

The Daughters of the Republic of Texas are looking forward to having the Fifty-first Legislature of the State of Texas as guests on April 22nd, 1949, to view the Battle of Flowers Parade, from the Alamo Arcade.

Because the Alamo and the gates are closed at one o'clock on this Honor Day, the Library Wing Committee is inviting all of you to come earlier, if convenient, to look over our beautiful Garden, Grounds, and Buildings. The Daughters of the Republic of Texas are proud to be the custodians for the State of this sacred property.

Sincerely yours,

(Signed) VERNIE A. GOUGER,  
Mrs. G. B. Gouger, Chairman.

**Bill Signed**

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

C.S.S.B. No. 19, A bill to be entitled "An Act appropriating Three Million Dollars (\$3,000,000.00) as a supplemental appropriation to the funds appropriated for salary aid in House Bill No. 295 of the Acts of the Regular Session of the Fiftieth Legislature; providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the current biennium 1947-1948 and for no other purpose; etc., and declaring an emergency."

**Adjournment**

On motion of Senator Harris, the Senate at 12:00 o'clock adjourned until 10:30 o'clock a.m., Monday, April 18, 1949.

**Record of Vote**

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

**FORTY-SIXTH DAY**

(Monday, April 18, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Lane	

**Absent**

Hazlewood

**Absent—Excused**

Kelly of Tarrant

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 14, 1949, was dispensed with and the Journal approved.

Senator Kelly of Tarrant was granted leave of absence for today on account of illness on motion of Senator Martin.

**Senate Resolution 120**

Senator Strauss offered the following resolution:

Whereas, The Tomato Tom-Tom celebration held at Yoakum, Texas, each year is one of the most unique and outstanding events held anywhere in the United States, and

Whereas, The Tom-Tom will be staged on June 9-10-11, 1949, and

Whereas, A group of Yoakum citizens are present in the Capitol Building for the purpose of advertising the Tom-Tom, and

Whereas, This delegation is accompanied by Her Majesty, Miss Janice Turbeville, Queen of the 1949 Tom-Tom, and

Whereas, Her Majesty desires to include the members of the Senate of Texas as her subjects in the realm of her Court and desires to present a gift to each Senator, now, therefore, be it

Resolved by the Senate of Texas that we extend an invitation to this delegation from Yoakum, Texas, to appear before the Senate; that they be granted the privileges of the floor for the day; and that Queen Janice be permitted to address the Senate.

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Strauss, Bell and Harris as a committee to escort Miss Janice Turbeville and her party to the President's stand.

The President pro tempore then presented Senator Strauss, who presented Miss Turbeville and the members of her party to the Senate.

**Reports of Standing Committees**

Senator Jones submitted the following reports: